

APR 22 2004

OFFICIAL

PATENT
Attorney Docket No.: HELLO-08601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Group Art Unit: 2643
Peter O. Schmidt <i>et al.</i>	) Examiner: S. Tran
Serial No.: 09/801,442	) PETITION TO REVIVE ABANDONED
Filed: March 7, 2001	) APPLICATION UNDER 37 C.F.R.
For: AN ELECTRONIC DEVICE	) § 1.181: LOST MAIL IN RESPONSE TO
UTILIZING AN EARPLUG	) TELEPHONE CALL ON April 16, 2004
SUPPORT ELEMENT AND	) 162 N. Wolfe Road
METHOD FOR PROVIDING THE	) Sunnyvale, California 94086
SAME	) (408) 530-9700

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned received a telephone call from the examiner, S. Tran, on April 16, 2004 related to the above-captioned application. In particular, Examiner Tran stated that she never received the Response to the Office Action mailed on March 18, 2003 and that the case is now abandoned.

Enclosed is a copy of the date stamped post card received from the USPTO indicating receipt of the Response to the Office Action on May 12, 2003. A copy of the Response is attached to this petition.

The Applicants hereby petition under 37 C.F.R. § 1.181 for the revival of the patent application and for the application to proceed on the merits.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 4-16-04By: Thomas B. Haverstock

Thomas B. Haverstock
Reg. No.: 32,571
Attorneys for Applicants

CERTIFICATE OF MAILING (37 C.F.R. § 1.6(u))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

4/16/04 SWC

Attorney Docket No.: PATENT
HELLO-08601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter O. Schmidt *et al.*

Serial No.: 09/801,442

Filed: March 7, 2001

For: **AN ELECTRONIC DEVICE
UTILIZING AN EARPLUG
SUPPORT ELEMENT AND
METHOD FOR PROVIDING THE
SAME**

Group Art Unit: 2643

Examiner: S. Tran

TRANSMITTAL LETTER162 North Wolfe Road
Sunnyvale, California 94086
(408) 530-9700

MS-AFAssistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find the Response to Official Action mailed on March 18, 2003 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: May 7, 2003By: Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

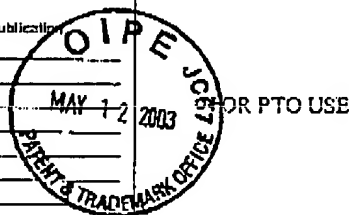
HAVERSTOCK & OWENS LLP

Date: 5/6/03 By: Thomas B. Haverstock

COPY

Serial No.: 09/801,442 H&O File No.: HELLG-C8601 By: TBN/JC
 In the Matter of The Application of: Peter O. Schmidt et al
 Date Mailed: 5-8-03 Due Date: 6-15-03
 The following has been received in the U.S. Patent and Trademark Office on the date stamped herein:

<input type="checkbox"/> Design Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts)	<input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate
<input type="checkbox"/> Utility Patent Application _____ Pages	<input type="checkbox"/> Form PTO-650 (Issue Fee Trans.) & dup.	<input checked="" type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Prov. Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1050 (Cert. of Correction)	<input type="checkbox"/> Certificate of Express Mailing
<input type="checkbox"/> Declaration/Oath	<input type="checkbox"/> Maintenance Fee Transmittal Form	Label No.: _____
<input type="checkbox"/> Power of Attorney _____	<input type="checkbox"/> Reexamination Request	<input type="checkbox"/> Check(s): \$ _____
<input type="checkbox"/> Assignment	<input type="checkbox"/> Notice of Appeal	<input checked="" type="checkbox"/> Disposit Account Authorization Form
<input type="checkbox"/> Form PTO-1594/1595	<input type="checkbox"/> Affidavit/Declaration	
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Copy of Filing Receipt	
<input type="checkbox"/> Drawings: _____ Sheets(s)	<input type="checkbox"/> Req. for Corr. of: _____	
<input type="checkbox"/> <input type="checkbox"/> Format <input type="checkbox"/> Informal	<input type="checkbox"/> Request for Non-Publication	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Rescission of Request for Non-Publication	
<input type="checkbox"/> Form PTO-1449 and Copies of _____	<input type="checkbox"/> _____	
References Contained Thereon	<input type="checkbox"/> _____	
<input type="checkbox"/> Information Disclosure Certification	<input type="checkbox"/> _____	
<input checked="" type="checkbox"/> Amendment/Response	<input type="checkbox"/> _____	
<input type="checkbox"/> Extension of Time Request: _____ Months(s)	<input type="checkbox"/> _____	
<input type="checkbox"/> Petition	<input type="checkbox"/> _____	



PATENT

Attorney Docket No.: HELLO-08601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Group Art Unit: 2643
Peter O. Schmidt et al.	) Examiner: S. Tran
Serial No.: 09/801,442	) <u>TRANSMITTAL LETTER</u>
Filed: March 7, 2001	) 162 N. Wolfe Road
For: AN ELECTRONIC DEVICE	) Sunnyvale, CA 94086
UTILIZING AN EARPLUG	) (408) 530-9700
SUPPORT ELEMENT AND	) Customer No.: 28960
METHOD FOR PROVIDING THE)
SAM)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition to Revive Abandoned Application Under 37C.F.R. § 1.181 for Lost mail in Response to Telephone Call on April 16, 2004. Also, attached is a copy of the Office Action filed May 5, 2003, for filing with the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
FLAVERSTOCK & OWENS LLP

Dated:

By:

Thomas B. Haverslock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (15) (FRS 16(2))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

- 1 -

HAVERSTOCK & OWENS LLP.

Serial No.: 09/801,442 H&O File No.: Hello-08601 By: TGH/wl
 In the Matter of The Application of: Peter O. Schmidt et al
 Date Mailed: 4-16-04 Due Date:
 The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/> Design Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1533 (NoL of Missing Parts) | <input type="checkbox"/> Transmittal Letter <input type="checkbox"/> Duplicate |
| <input type="checkbox"/> Utility Patent Application _____ Pages | <input type="checkbox"/> Form PTO-850 (Issue Fee Trans.) & dup. | <input type="checkbox"/> Certificate of Mailing |
| <input type="checkbox"/> Prov. Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1050 (Cert. of Correction) | <input type="checkbox"/> Certificate of Express Mailing |
| <input type="checkbox"/> Declaration/Oath | <input type="checkbox"/> Maintenance Fee Transmittal Form | Label No.: _____ |
| <input type="checkbox"/> Power of Attorney _____ | <input type="checkbox"/> Reexamination Request | <input type="checkbox"/> Check(s): \$ _____ |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Deposit Account Authorization Form |
| <input type="checkbox"/> Form PTO-1594/1595 | <input type="checkbox"/> Affidavit/Declaration | |
| <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Copy of Filing Receipt | |
| <input type="checkbox"/> Drawings: _____ Sheet(s) | <input type="checkbox"/> Req. for Corr. of: _____ | |
| <input type="checkbox"/> <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Request for Non-Publication | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Reconsideration of Request for Non-Publication | |
| <input type="checkbox"/> Form PTO-1449 and Copies of _____ | <input checked="" type="checkbox"/> Petition to Revoke Abandonment | |
| References Contained Thereon | <input checked="" type="checkbox"/> Application with mail in | |
| <input type="checkbox"/> Information Disclosure Certification | <input checked="" type="checkbox"/> Response to telephone call | |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Extension of Time Request: _____ Month(s) | <input checked="" type="checkbox"/> Copy of Response to Office | |
| <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Action received 5-8-04 | |
| | <input type="checkbox"/> _____ | |

FOR PTO USE

APR 22 2004

P.009/017

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PATENT

Attorney Docket No.: HELLO-08601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter O. Schmidt *et al.*

Serial No.: 09/801,442

Filed: March 7, 2001

For: **AN ELECTRONIC DEVICE
UTILIZING AN EARPLUG
SUPPORT ELEMENT AND
METHOD FOR PROVIDING THE
SAME**

Group Art Unit: 2643

Examiner: S. Tran

**RESPONSE TO OFFICIAL ACTION
MAILED ON
March 18, 2003**162 N. Wolfe Road
Sunnyvale, California 94086
(408) 530-9700

MS-AF

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

AMENDMENTS

Clean version of claims, incorporating current amendments.

1. (Twice Amended) A headphone support element for securing a headphone connector having one circular plug to a headphone connector interface of an electronic device having a corresponding jack wherein the plug is inserted into the jack, the headphone support element coupled with the headphone connector interface, wherein the headphone support element having a first receptacle for engaging and securing the headphone connector, wherein the headphone connector cannot move or rotate when connected to the headphone connector interface.
5. (Twice Amended) The headphone support element according to claim 1 wherein the headphone support element is integrally formed within the electronic device.

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 5/6/05 By: Alexis M. Owens

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Attorney Docket No.: HELLO-08601

REMARKS

The Applicants respectfully request further examination and consideration in view of the above amendments and the arguments set forth fully below. Prior to this Office Action, Claims 1-11 and 13-20 were pending in this application. Within the Office Action, Claims 1, 2, 4-7, 9-11, 13 and 15-20 were rejected, and Claims 3, 8 and 14 were objected to. By the above amendment, Applicants have amended Claims 1 and 5. Therefore, Claims 1-11 and 13-20 are currently pending in this application.

Rejections Under 35 U.S.C. § 112

Within the Office Action, Claim 5 has been rejected under 35 U.S.C. § 112. It is stated within the Office Action that Claim 5 is indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention: namely, it is unclear how the electronic device relates to other elements in the claim. The Applicants respectfully traverse. Nonetheless, the Applicants have amended Independent Claim 1 to further recite that the electronic device includes the headphone connector interface. In addition, the Applicants have amended dependent Claim 5 to have proper antecedent basis for the element of the electronic device in amended Claim 1. Accordingly, amended Claim 5 particularly points out and distinctly claims the subject matter of the electronic device and is therefore allowable.

Rejections Under 35 U.S.C. § 103(a)

Within the Office Action, Claims 1, 2, 6-7, 13, 15 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,465,421 to McCormick et al. (hereinafter "McCormick") in view of U.S. Patent No. 6,071,142 to Blackman (hereinafter "Blackman"). In addition, Claims 1, 4, 6-7, 9, 11, 15 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCormick in view of U.S. Patent No. 4,045,108 to Olsen (hereinafter "Olsen"). Further, Claims 1, 2, 5-7, 10, 13, 15, 16 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCormick in view of U.S. Patent No. 6,095,846 to Becerra (hereinafter "Becerra").

Specifically, it is stated within the Office Action that McCormick discloses a headphone connector interface having a corresponding jack. It is also stated that McCormick fails to disclose a support element integrally formed within the device for securing the plug to the jack so that the connector cannot move or rotate. It is stated in the Office Action that Blackman teaches

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the use of a support element having a receptacle for securing or preventing a plug from being inadvertently pulled from the socket. In addition, it is stated in the Office Action that Olsen teaches the use of a flexible support element having a receptacle for securing or preventing a plug from being inadvertently pulled from the socket. Further, it is stated within the Office Action that Becerra teaches the use of a support element integrally formed within the device having a receptacle for securing or preventing a plug from being inadvertently pulled from the socket. Thus, it is stated within the Office Action that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a support element taught by Blackman, Olsen or Becerra to the plug in McCormick to retain the plug to the jack from being inadvertently pulled from the socket. The Applicants respectfully disagree.

The present invention is directed to a headphone support element that is coupled with a circular headphone connector interface of an electronic device. The headphone support element engages and secures a headphone connector having one circular plug (hereinafter referred to, for brevity, as "circular plug") when the headphone connector is connected to the headphone connector interface. When secured to the headphone support element, the circular headphone connector is unable to move or rotate about the headphone connector interface. The headphone support element is preferably coupled to the headphone connector interface by an adhesive, however the headphone support element can alternatively be integrally formed within the electronic device.

Blackman teaches a power cord-removal prevention device 10. The device 10 in Blackman is used with a two or three-prong power cord plug 50 to prevent the power cord plug 50 from being inadvertently removed from a power outlet 63. The device 10 in Blackman has a bridge 16 with a clamp 30 which selectively creates an opening 32 which can secure the power cord therein. Thus, the wired portion of the power cord fits through the opening 32, when the connector portion of the power cord is plugged into the socket. While power cords with two or more prongs can be pulled out of the wall outlet because the prongs are separated by a distance, the cord cannot be rotated when plugged in. Thus, Blackman is directed toward solving an entirely different problem than the present invention. Therefore, there is no motivation to combine Blackman with the circular plug taught in McCormick to reach the present invention and even making the combination does not result in the claimed invention. There is no hint, teaching or suggestion in Blackman that the device 10 effectively prevents a circular plug from rotating about the jack when secured by the device 10. In fact, Blackman teaches away from using a circular plug to reach the present invention, because the Blackman device 10 does not

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prevent the circular plug from rotating when connected to the connector interface. As shown in Blackman, only the wired portion of the power cord plug 50 fits through the opening 32 of the device 10 and the nature of the two or three prong plug is what inherently keeps the plug from rotating. In other words, the device in Blackman does not need to solve the problem of preventing the power cord from rotating, because the power cord itself, and not the device in Blackman, prevents the plug from rotating when plugged into the socket. Therefore, one skilled in the art would have no motivation to use Blackman with the circular plug in McCormick to reach the present invention.

Olsen teaches a retainer 10 having a base plate 18 lying between the dual sockets of an electric outlet. The base plate 18 is mounted over the outlet shield 14 and is secured thereto with a screw 15. The retainer 10 has paired flanges 19 which extend outwardly from the base plate 18 as well as a pair of spaced spring legs 30, 32 with feet which extend from each of the flanges at an angle. The legs 30, 32 lie parallel to the outlet 14 and the feet extend such that the retainer 10 is in pressed contact with the outlet 14. A plug 42, 43 is inserted into the socket by manually flexing the feet 30, 32 and legs of the retainer outwardly and placing the cord through the spacing between the legs 30, 32 or to the side of the legs. Once the plug 42, 43 is inserted and the legs 30, 32 are relaxed, the legs 30, 32 spring back into engagement with the plug 42, 43 and urge it toward the flexed position with the feet 22, 23 of the retainer out of contact with the shield. One skilled in the art would have no motivation to combine the retainer in Olsen with the circular plug taught in McCormick to reach the present invention. Olsen does not teach that the retainer 10 prevents the plug from rotating nor would Olsen need to, because the power cord in Olsen has two or three prongs which inherently prevents the cord from rotating when plugged into the socket. Since Olsen does not make the positive assertion that the retainer 10 exerts enough force to prevent a connector from rotating, one skilled in the art would reasonably understand that the circular plug in McCormick would still rotate under the force of the retainer 10. To make the connection that Olsen in conjunction with McCormick teaches a headphone support device configured to prevent a circular plug from rotating is impermissible hindsight analysis. Therefore, one skilled in the art would have no motivation to use Olsen with McCormick to reach the present invention or solve the problem taught by the present invention. Thus, the present invention is distinguishable over McCormick in view of Olsen alone or in any combination.

Becerra teaches an electrical plug retainer for securing an electrical plug inserted into a socket. The retainer includes a spaced apart pair of elongate members each having a pair of

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opposite ends as well as a pair of elongate end regions and a middle region interposed therebetween. The retainer includes a coupler on each end, whereby the coupler on one end engages the coupler on the other end of the retainer. The retainer wraps around the front of the outlet socket, whereby the ends are coupled together to form several adjustable slots in front of the sockets. The connector plug is inserted into the socket, and then the ends of the retainer are coupled together, whereby the cord from the plug extends through one of the adjustable slots. One skilled in the art would have no motivation to combine Becerra with the circular plug taught in McCormick to reach the present invention. The retainer in Becerra holds the connector plug to the wall and does not allow the connector plug from being disconnected from the socket. However, there is no hint, teaching or suggestion in Becerra that the device would effectively prevent the circular plug in McCormick from rotating when engaged to the jack. The plug in Becerra has two or three prongs which itself inherently prevents the plug from rotating when plugged into the socket. Thus, securing the circular plug to the jack with the Becerra device would not prevent the circular plug from rotating, because the Becerra device only presses the plug against the socket and nothing more. In other words, the Becerra device is not designed, nor operates in a manner consistent to, prevent the circular plug from rotating when connected to the headphone connector interface. Therefore, one skilled in the art would have no motivation to use McCormick with Becerra to reach the present invention or solve the problem taught by the present invention.

Claim 1 is directed to a headphone support element for securing a headphone connector having one circular plug to a headphone connector interface of an electronic device having a corresponding jack wherein the plug is inserted into the jack, the headphone support element coupled with the headphone connector interface, wherein the headphone support element having a first receptacle for engaging and securing the headphone connector, wherein the headphone connector cannot move or rotate when connected to the headphone connector interface. As stated above, there is no hint, teaching or suggestion in Blackman, Olsen nor Becerra to combine the respective devices in these references with the headphone connector in McCormick to reach the present invention. Blackman, Olsen and Becerra teach retaining devices which press a two or three prong electrical plug against the socket and prevents the plug from being disconnected from the socket. However, the retaining devices taught in Blackman, Olsen and Becerra do not prevent a headphone connector having one circular plug from rotating when engaged and secured thereto. As stated above, the multiple prongs of an electrical plug, rather than the retaining device in the cited reference prevent the plug from rotating when plugged into a socket. Thus,

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Attorney Docket No.: HELLO-08601

using the circular plug in McCormick with any of the retaining devices taught in the cited references does not prevent the circular plug from rotating. Therefore, one skilled in the art would have no motivation to combine McCormick, Blackman, Olsen and Becerra, individually or in combination to reach the present invention. For at least these reasons, Claim 1 is allowable over McCormick, Blackman, Olsen and Becerra alone or in any combination..

Claim 6 is directed to an electronic device having a circular headphone connector interface for accepting a corresponding circular headphone connector, the electronic device comprising: a headphone support element coupled with the headphone connector interface, the headphone support element having a first receptacle for engaging and securing the headphone connector within, the headphone support element having a first side and a second side, wherein the headphone connector cannot move or rotate when connected to the headphone connector interface. As stated above, there is no hint, teaching or suggestion in Blackman, Olsen nor Becerra to combine the respective devices in these references with the circular headphone connector in McCormick to reach the present invention. The multiple prongs of an electrical plug, rather than the retaining devices taught in the cited references, prevents the plug from rotating when plugged into a socket. Thus, replacing the multiple pronged plug with the circular plug in McCormick in conjunction with the retaining device taught in Blackman, Olsen or Becerra does not prevent the circular plug from rotating. Therefore, one skilled in the art would have no motivation to combine McCormick, Blackman, Olsen and Becerra, individually or in combination to reach the present invention. For at least these reasons, Claim 6 is allowable over McCormick, Blackman, Olsen and Becerra alone or in any combination..

Claim 15 is directed to a method of securing a circular headphone connector to a corresponding circular headphone connector interface, comprising the steps of: providing a headphone support element; and coupling the headphone support element to the headphone connector interface, wherein the headphone support element includes a first receptacle for engaging and securing the headphone connector to the headphone connector interface thereby preventing the headphone connector from moving or rotating when connected to the headphone connector interface. As stated above, there is no hint, teaching or suggestion in Blackman, Olsen nor Becerra to combine the respective devices in these references with the headphone connector in McCormick to reach the present invention wherein the headphone connector does not rotate when engaged with the first receptacle. The multiple prongs of an electrical plug, rather than the retaining device, prevents the plug from rotating when plugged into a socket. Thus, replacing the multiple pronged plug with the circular plug in McCormick in conjunction with the retaining

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Attorney Docket No.: HELLO-08601

device taught in Blackman, Olsen or Becerra does not prevent the circular plug from rotating. Therefore, one skilled in the art would have no motivation to combine McCormick, Blackman, Olsen and Becerra, individually or in combination to reach the present invention. For at least these reasons, Claim 15 is allowable over McCormick, Blackman, Olsen and Becerra alone or in any combination..

Claim 20 is directed to a system for coupling a remote device having a circular male plug to an electronic device having a corresponding circular female jack, wherein the remote device is electrically coupled to the electronic device by inserting the male plug into the female jack, the system comprising a support element mounted to the electronic device such that the support element mechanically engages the male plug and prevents the male plug from rotating relative to the female jack. As stated above, there is no hint, teaching or suggestion in Blackman, Olsen nor Becerra to combine the respective devices in these references with the headphone connector in McCormick to reach the present invention wherein the headphone connector does not rotate when engaged with the first receptacle. The multiple prongs of an electrical plug, rather than the retaining device, prevents the plug from rotating when plugged into a socket. Thus, replacing the multiple pronged plug with the circular plug in McCormick in conjunction with the retaining device taught in Blackman, Olsen or Becerra does not prevent the circular plug from rotating. Therefore, one skilled in the art would have no motivation to combine McCormick, Blackman, Olsen and Becerra, individually or in combination to reach the present invention. For at least these reasons, Claim 20 is allowable over McCormick, Blackman, Olsen and Becerra alone or in any combination..

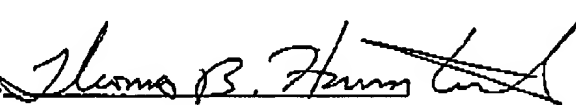
Claims 2, 4, and 5 are dependent on an Independent Claim 1. As stated above, Claim 1 is in a condition for allowance. Accordingly, Claim 2, 4 and 5 are also in a condition for allowance. In addition, Claims 7 and 9-11 are dependent on an Independent Claim 6. As stated above, Claim 6 is in a condition for allowance. Accordingly, Claims 7 and 9-11 are also in a condition for allowance. Further, Claims 13 and 16-19 are dependent on an Independent Claim 15. As stated above, Claim 15 is in a condition for allowance. Accordingly, Claims 13 and 16-19 are also in a condition for allowance.

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For the reasons given above, the Applicants respectfully submit that the Claims 1-11 and 13-20 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 5-7-03

By: 
Thomas B. Haverstock
Reg. No.: 32,571
Attorneys for Applicants

PATENT
Attorney Docket No.: HELLO-08601

Version with markings to show changes made.

IN THE CLAIMS:

1. (Twice Amended) A headphone support element for securing a headphone connector having one circular plug to a headphone connector interface of an electronic device having a corresponding jack wherein the plug is inserted into the jack, the headphone support element coupled with the headphone connector interface, wherein the headphone support element having a first receptacle for engaging and securing the headphone connector, wherein the headphone connector cannot move or rotate when connected to the headphone connector interface.

5. (Twice Amended) The headphone support element according to claim 1 wherein the headphone support element is integrally formed within [an] the electronic device.

#13

HAVERSTOCK & OWENS LLP

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

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TO:

U.S. Patent and Trademark Office

Commissioner for Patents

c/o Examiner S. Tran

Art Unit 2643

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FROM:

Thomas B. Haverstock, Reg No. 32,571

HAVERSTOCK & OWENS LLP

162 North Wolfe Road

Sunnyvale, California 94086

Telephone: (408) 530-9700

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Thomas B. Haverstock